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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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TIFFANY FARLEY ROUNDY and BRADY  
BURKE ROUNDY,

Plaintiffs,

v.

WELLS FARGO BANK,

Defendant.

Case No. 2:12 cv-1032-DN-DBP

**ORDER ADOPTING REPORT &  
RECOMMENDATION**

District Judge David Nuffer  
Magistrate Judge Dustin B. Pead

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Before the court is Magistrate Judge Pead's Report and Recommendation<sup>1</sup> under [28 U.S.C. § 636\(b\)\(1\)\(B\)](#). No objections were filed. The court has reviewed all relevant materials de novo and adopts the Report and Recommendation in its entirety.

**ORDER**

Defendant's motion to dismiss the original complaint is deemed **MOOT**.<sup>2</sup>

The court **GRANTS** Plaintiffs' unopposed motion for leave to file a first amended complaint.<sup>3</sup> Plaintiffs must file their first amended complaint no later than ten days from the date of this order.

Once Plaintiffs have filed their first amended complaint, they may either (1) file a substantive response to Defendant's motion to dismiss the first amended complaint,<sup>4</sup> or (2) file a motion for leave to file a second amended complaint. Plaintiffs must do this no later than ten days after they file their first amended complaint.

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<sup>1</sup> [Docket no. 26](#), filed June 27, 2013.

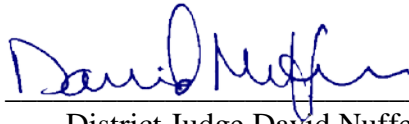
<sup>2</sup> [Docket no. 7](#), filed November 26, 2012.

<sup>3</sup> [Docket no. 11](#), filed December 19, 2012.

<sup>4</sup> [Docket no. 17](#), filed January 22, 2013.

Signed August 9, 2013.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

District Judge David Nuffer